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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,667	03/20/2001	Huey-Shin Yuan	5957/Consilium/MBE	9402
32588	7590	04/27/2006	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/811,667

Applicant(s)

YUAN ET AL.

Examiner

Scott L. Jarrett

Art Unit

3623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☒ The Notice of Appeal was filed on 14 April 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**TARIQ R. HAFIZ**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Continuation of 11. does NOT place the application in condition for allowance because: In Applicant's remarks filed April 17, 2006 Applicant argues that the prior art of record fails to teach or suggest "configured to retry, for a predetermined number of times, to execute one of the plurality of manufacturing tasks when said one of the plurality of manufacturing tasks fails to be executed due to a transient error." as claimed in at least independent claim 1 (Remarks, Paragraphs 1-2, Page 3) and further that the prior art of record fails to teach or suggest requiring tasks that fail due to transient errors must be retried a predetermined number of times while errors not cause by transient errors (e.g. permanent errors) are not required to be retrieved a predetermined number of times.

The examiner respectfully disagrees as discussed in the Final Office Action mailed October 17, 2005 BizTalk Server 2000 teaches that the workflow system and method utilizes well-known transaction management techniques (approaches, methods, etc.; Microsoft Transaction Server) and further enables the workflow to recover from ANY ERROR (transient, temporary, intermittent, hard, soft, etc.) by employing such techniques as retrying a transaction/service request, for a pre-determined number of times (retry count, on failure page, retry queue, error handling), when one of the plurality of tasks fails, for any reason, to be executed (reference C: Page 6., Figure 3, Page 7; Figure 4; reference A: Pages 6, 9-13). Therefore BizTalk Server 2000 clearly teaches retrying the execution of failed tasks (processes) due to any one or more of a plurality of errors.

Further by definition transactions (i.e. tasks, processes, etc.) are the fundamental unit of recovery in client/server systems which provide well known Atomicity, Consistency, Isolation and Durability (persistent; ACID) properties and transaction management systems/methods, such as the transaction server taught by BizTalk Server 2000, manage all aspects of transactions from the start, end, commit or abort (failed transactions).

Further it is noted that the term "transient" is very subjective and interpretations of the terms vary widely depending on the person practicing the invention thereby making the phrase vague and indefinite. Examiner clearly indicated in the October 17, 2005 (Paragraph 2, Page 6) that the term's (transient) intended scope is patentable indistinguishable from any of a plurality of other similar/synonymous labels/terms used to describe errors/failed tasks including but not limited to temporary, intermittent, fleeting, soft or the like etc. therefore the "transient" label used to denote the type of error is merely a label, non-functional descriptive material, and any label used to describe a failed task (error) which requires retrying the failed task a predetermined number of times, as is the case with BizTalk Server 2000, would be patentably indistinguishable from the invention as claimed.

Further in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transient errors examples such as power failures, errors not cause by transient errors are not required to be retrieved a predetermined number of times, treating permanent errors differently than transient errors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).